



9

CHAPTER NINE

IMPLEMENTATION OF THE COMPREHENSIVE PLAN



“The only limit to our realization of tomorrow will be our
doubts of today. Let us move forward with strong and
active faith”

--President Franklin Delano Roosevelt--

The Comprehensive Plan...

for Indianapolis/Marion County is comprised of a variety of planning materials, of which this document is a part. While the general land use maps are probably the most well known elements of the Plan, thoroughfare, corridor, sub-area, redevelopment, and park plans are also adopted as segments of the Comprehensive Plan. Implementation, therefore, is a complex process involving thousands of individual decisions based on a variety of planning documents.

The various components of the Plan are implemented in different ways. The Metropolitan Planning Organization and Department of Public Works implement the Thoroughfare Plan when they approve the widening, improvement and construction of streets. Neighborhood and corridor plans are implemented by neighborhood organizations in partnership with the City and other institutions. The Department of Parks and Recreation is the primary implementer of the park plan segments of the Comprehensive Plan.

The land use portions of the Comprehensive Plan are implemented by private individuals and groups as they make decisions on how to develop or redevelop their property. Because state law recognizes the Comprehensive Plan as the basis for zoning, individuals and groups are not only guided by the Comprehensive Plan, but also regulated by zoning ordinances. The application and enforcement of the Zoning Ordinance is the responsibility of the Department of Metropolitan Development, and involves the Division of Planning, and the Division of Permits.

The Current Planning Section of the Division of Planning reviews land use petitions, such as variances, rezonings, approvals, special exceptions, subdivision plats and vacations. The staff planners provide recommendations pertaining to these petitions to various appointed and elected decision making bodies. Additionally, they provide decisions on certain administrative petitions, such as nonconforming use applications and Regional Center approvals.

The Permitting Section of the Division of Permits reviews and approves site and development plans in order to ensure that approved plans comply with zoning, building and infrastructure regulations. The Inspection Services Section of the Division of Permits enforces the zoning ordinances and ensures that construction meets building and infrastructure codes.

The Department of Metropolitan Development works with three different bodies that provide oversight in the implementation of the Comprehensive Plan and the enforcement and administration of the zoning ordinances. They are the City-County Council, including its Metropolitan Development Committee; the Metropolitan Development Commission (MDC) and the Board of Zoning Appeals (BZA).

As the legislative body of local government, the City-County Council has the primary responsibility of enacting, repealing, or amending local laws. The twenty-nine member Council makes policy, passes laws, and approves appointments and budgets. In relation to implementing the Comprehensive Plan, the Council considers MDC recommendations for ordinances. They also consider rezoning petitions approved by the MDC. The Metropolitan Development Committee, a Council Standing Committee, reviews planning and development proposals prior to their consideration by the full Council.

The nine-member Metropolitan Development Commission adopts and amends the Comprehensive Plan. The MDC then uses the Comprehensive Plan to help guide the efficient and orderly development and redevelopment of the city and county. The MDC also recommends zoning laws to the City-County Council for adoption. The MDC hears zoning petitions and approves or denies them. When making their decision on a zoning petition, the MDC by state law (Indiana Code 36-7-4-603) is required to pay reasonable regard to:

- The Comprehensive Plan;
- Current conditions and character of structures and uses in each district;
- Most desirable use for which the land in each district is adapted;
- Conservation of property values throughout the jurisdiction;
- Reasonable development and growth; and “give consideration to the general policy and pattern of development set out in the comprehensive plan.”

The Board of Zoning Appeals reviews variances, special exceptions and modifications to variances. Additionally, the BZA acts as an arbiter when decisions or interpretations of the Administrator are challenged. The Comprehensive Plan must be considered by the BZA when making a decision on a variance of use petition. The BZA must also consider five findings of fact:

- The grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- The need for the variance arise from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- The strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship is applied to the property for which the variance is sought; and,
- The grant does not interfere substantially with the Comprehensive Plan.

Recommended Ordinance and Procedure Changes

A number of ordinance and procedural changes are recommended as ways to implement the values and goals of this Plan. Development of these ordinance and procedure changes will primarily, but not exclusively, be the responsibility of DMD. Ordinance changes are typically developed with the assistance of citizen committees. As described above, recommended ordinance changes, and in some instances, procedural changes, are acted upon by the MDC and the City-County Council.

In accordance with Indiana Code, when adopting a zoning ordinance, a legislative body shall act for the purposes of:

“(1) Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; (2) Lessening or avoiding congestion in public ways; (3) Promoting the public health, safety, comfort, morals, convenience, and general welfare.”

Recommended Ordinance Changes

DWELLING DISTRICTS ZONING ORDINANCE

Item	Comments
Amend the cluster option in the Dwelling District Zoning Ordinance to allow transfer of preserved open space to the Department of Parks and Recreation at the approval of the Department as it meets their mission.	
Amend the Dwelling District Zoning Ordinance to require community open space within residential developments over a certain size.	The open space should perform some valuable recreation or environmental function and not just be a "leftover".
Amend the Dwelling District Zoning Ordinance to require connection to a wastewater system within the DP zoning district.	
Limit lot reduction under the cluster option by establishing a district-by-district minimum lot size.	Minimize incompatible transitions between residential subdivisions
Amend the Dwelling District Zoning Ordinance to allow Shared driveways that connect two or more homes together.	Reduces overall lot imperviousness.

COMMERCIAL/INDUSTRIAL ZONING ORDINANCES

Item	Comments
Increase landscape buffering between commercial/ industrial areas and residential areas. In addition to buffering, this will provide attractive views of the natural scenery and neighborhoods of the City.	
Amend commercial and industrial zoning ordinances to require sidewalks and standards for pedestrian safety.	To encourage less vehicular use.
Amend the commercial and industrial zoning ordinances to allow education facilities within commercial, office and industrial zones.	Continuing education must be convenient to current work force.
Incorporate aesthetic development considerations/ standards for the commercial and industrial areas particularly as they relate to major streets and highways.	Standards should, at a minimum, consider lighting, natural features, and landscaping.
Refine the City's parking requirements to facilitate: Shared parking of adjoining uses, Parking ratios that reflect pedestrian access, on-street parking and transit influences, remote locations of employee parking, linked by shuttle buses and sidewalks, site planning standards for parking lots that will increase the attractiveness of parking within the existing business and residential context, "Parking Impact Studies" that assess the actual need for parking of new and infill development and the orientation to the use to be served.	Redevelopment areas offer the opportunity for a better balance of land uses, pedestrian friendliness and land devoted to vehicular uses.

Recommended Ordinance Changes	
COMMERCIAL/INDUSTRIAL ZONING ORDINANCES	
Item	Comments
Amend the Sign Regulations and Commercial Zoning Ordinance to further control on-premise signs and to reduce the number of off-premise signs (billboards).	The sign ordinance should minimize visual pollution, maximize public safety, efficiently use resources, and maximize the visual image of the city.
Amend the Zoning Ordinances to institute parking maximums.	
Amend the Commercial District Zoning ordinance to require a greater level of landscaping within parking lots.	A standard based on tree canopy may be the most effective method.
WELLFIELD PROTECTION ZONING ORDINANCE	
Item	Comments
Amend the Wellfield Protection zoning ordinance to ban the construction of new septic systems in wellfields.	
Amend the Wellfield Protection zoning ordinance to ban potentially polluting businesses in 1-yr. time of travel zone.	
Amend the Wellfield Protection zoning ordinance to require review of business use changes and expansions in wellfield protection areas for wellfield protection measures.	This is especially important in lease space and flexspace situations where a business that does not use contaminants might be succeeded by one that does.
Amend the Wellfield Protection zoning ordinance to require notification of the neighborhood where a TQP review is taking place.	
GRAVEL, SAND, AND BORROW ZONING ORDINANCE	
Item	Comments
Update the Gravel, Sand and Borrow Zoning Ordinance to provide sufficient safeguards to protect the environment and the stability of adjacent neighborhoods, remediate property, and provide for traffic impact studies. Protection of underground water supplies from contamination is a particular concern.	Topsoil, subsoil, and aggregate deposits are the filtering mechanisms over wellfield aquifers
AIRPORT ZONING ORDINANCE	
Item	Comments
Revise the Airport Zoning Ordinance to provide for an Airport Perimeter District, similar to the UQ-2 or PK-2 Districts, which, among other things, would prohibit residential development within appropriate noise contours from the airport and establish aviation easements	Eliminates public health issues associated with noise from airport. Reduces capital the airport has to divert to noise abatement programs that can be applied to capital improvements.

Recommended Ordinance Changes	
TREE/VEGETATION CONSERVATION, PRESERVATION AND RESTORATION	
Item	Comments
Amend the Zoning Ordinances to require preservation of existing dense vegetative cover or the planting of dense vegetative cover along stream and tributary banks for the purposes of erosion control, contaminant capture, water cooling (important for retaining oxygen levels) and habitat preservation.	Vegetation should be of sufficient height to provide adequate shading. Use of native plant communities should be emphasized
Develop a county-wide tree conservation ordinance for both public and private land that limits site clearing, and uses a tiered approach based on forest types.	The full range of the environmental qualities of woodlands should be considered, not just appearance. The City of Ann Arbor, MI's "Guidelines for the Protection and Mitigation of Natural Features" is a good example of the system proposed.
Provide mitigation options such as tree banking or open space banking.	
Amend the appropriate Zoning Ordinances to require provision of street trees in new subdivisions.	In addition to the current lists of recommended trees and shrubs, the City should provide to developers and to the general public a list of invasive exotic trees and shrubs that should not be used in landscaping. Develop and provide to Homeowner Associations standards for the ongoing maintenance of the trees.
SUBDIVISION CONTROL ORDINANCE	
Item	Comments
Revise "Subdivision Control Ordinance" to require development to include more than one exit.	
Incorporate the use of overlay or neighborhood ordinances to address individual area needs.	
Require multi-modal connectivity among neighborhoods and among neighborhoods, commercial areas, recreation and institutional facilities, civic uses and public transportation.	"Multi-modal" refers to the range of transportation options: walking, bicycling, driving, public transit and paramobility.
UNSPECIFIED ORDINANCE REVISIONS	
Item	Comments
Amend the appropriate ordinances to require connection of new subdivision streets to existing "stub streets" in surrounding residential developments.	To provide simple connections among subdivisions without being forced to use the arterial street system.
Require green spaces and landscaping in redevelopment projects.	Redevelopment sites need to be attractive to new customers, workers and to their neighborhoods.

Recommended Ordinance Changes

UNSPECIFIED ORDINANCE REVISIONS

Items	Comments
Amend the light and noise provisions of the zoning district ordinances to add specificity with the goal of making these provisions easier to enforce and ensuring public safety	The City of Nashville, TN's ordinance provides a good example. Enforcement may require specialized equipment and additional training for inspectors.
Establish Urban Design standards specifically for infill settings and associated with the particular character of the location; require that city-assisted redevelopment projects have new buildings and signage that are compatible with their urban context.	Certain common patterns apply to the era in which the area was first developed.

Recommended Procedural Changes

RULES OF PROCEDURE REVISIONS

Item	Comments
Improve the notification process among public planning agencies.	Earlier notice would help other agencies to evaluate pending projects.
Require applicants to consult the Comprehensive Plan prior to petitioning before Planning Commission.	A possible method would be to ask for this information on the rezoning application
Establish specific impact statements as a justification for a deviation from a recommendation of the Comprehensive Plan. Said impact statement should be incorporated into the Rules of Procedures of the Metropolitan Development Commission and Boards of Zoning Appeals.	The impact statement should provide a comparison between a requested land use and the typical impact of the Comprehensive Plan recommendation
Amend rules of procedures to require any significant changes to a petition be made within a reasonable period of time prior to the hearing.	Allows staff and public time to review modifications.

DEVELOPMENT REVIEW PROCEDURES

Item	Comments
Develop a mechanism for a "heightened review" of development petitions for areas with the Comprehensive Plan designation of Environmentally Sensitive.	Review should include City staff with environmental expertise as well as concerned citizens and citizen organizations.
Change existing policy to exclude regulated areas such as floodways and levees to the extent of the law when calculating housing densities.	
Calculate and consider the probable impact of housing developments requiring a rezoning on affected school jurisdictions.	

Recommended Procedural Changes	
DEVELOPMENT REVIEW PROCEDURES	
Item	Comments
Develop a site plan review procedure in the rezoning process aimed at reducing impervious surfaces through use of alternative street layouts, efficient parking layouts and use of pervious materials in "spillover" parking areas.	
Promote the use of the Supplemental Review Process to broaden the discussion of environmental factors.	
Provide incentives beyond the cluster option for the conservation of environmentally sensitive areas such as stream buffers, woodlands, and native meadows.	Possibilities include tax reductions, and stormwater credits.
Require pedestrian friendly site plans, consider elderly and disabled persons in planning.	
COORDINATION AND TRAINING	
Item	Comments
Better integrate administration (permitting and inspections) of the Flood Control District Zoning Ordinance with the zoning and variance process, the TQP process and plan review for tree preservation.	
Coordinate planning, inspections, and enforcement for non-point pollution elimination.	
Provide more education and training opportunities for MDC and BZA members.	
Develop and publish a citizen's guide to the Comprehensive Plan and zoning and development principals to educate citizens on how they can be involved in zoning and development decisions.	The guide could be distributed to neighborhood organizations, public libraries and made available on the City webpage.

Recommended Areas for Further Study

ORDINANCES

Item	Comments
Establish a Comprehensive Plan Implementation Committee to develop recommendations for amendments and additions to zoning ordinances that protect, maintain or improve the visual image of the City.	
Form a study group to review and recommend improvements to the CS and DP zoning ordinances	The group should review minimum standards and filing requirements.
Review existing City ordinances and policies to determine which, if any, impede the implementation of "New Urbanism" developments and then make appropriate ordinance or policy amendments.	Open space is a hallmark of "New Urbanism" development; encouragement of this type of development would be likely to increase the amount of preserved open space.

PROCEDURES

Item	Comments
Study the issue of building code compliance during new construction.	A Certificate of Occupancy is a potential outcome of this study.
Review City rules and policies to determine which are not "tree-friendly". Work to make these rules and policies more "tree-friendly."	